

REMARKS

Claims 2-8, 10-16, 26-32, 34-41, 43, and 44 are pending in the present application. Claims 1, 9, 17-25, 33, and 42 are canceled. Claims 2, 3, 5, 7, 8, 10, 11, 13-16, 26, 27, 29, 31, 32, 34, 35, 37, 39-41, and 43 are amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Office Action rejects claims 2-8, 10-16, 26-32, 34-41, 43, and 44 under 35 U.S.C. § 102 as being anticipated by Carter, III (US Patent No. 5,878,400), hereinafter *Carter*. This rejection is respectfully traversed.

With respect to all pending claims, the Office Action states:

Carter teaches a method and system for pricing products in multi-level product and organizational groups. In particular, for each of the plurality of products there are adjustments to the basic price. For example, there are applicable state and local taxes, shipping charges and discounts (column 2; lines 1-5)(Examiner notes that the adjustments of Carter are the same as the parameters of Applicant).

Carter further teaches, when a product is selected by the customer all applicable pricing adjustments are identified (associating a calculation code with said item)(column 3; lines 42-45). The price adjustments for a particular product are determined by retrieving the price adjustments for that product from a database table and applying them in sequence to arrive at a final price (applying calculation code to item to produce an amount, comprising associating a calculation rule and using calculation rule to produce amount)(column 3; lines 52-55 & column 3; lines 59-62).

Carter finally teaches the invention: overcoming the disadvantage of having to "hard-code" the "business logic" into the pricing system, therefore the invention provides for flexibility in formulating a desired pricing system while reducing the need to store, maintain and retrieve huge amounts of data (column 4; lines 1-11)(each operation maybe modified and the flow of execution remains the same).

Examiner notes that it is inherent to the system of Carter that the final price be output to a printer, a display device, a storage medium, a database or a connection device. One of these output means is necessarily present in the teachings of Carter in order to communicate the determined price to the customer.

Office Action, dated November 10, 2003. Applicant respectfully disagrees. *Carter* teaches a method and apparatus for pricing products in multi-level product and organizational groups. The cited portion of *Carter* states:

The price adjustments for a particular purchasing organization are determined by retrieving the price adjustments for that particular purchasing organization as well as the price adjustments for other organizational groups that are above the particular purchasing organization in the organizational groups hierarchy. Likewise, the price adjustments for a particular product are determined by retrieving the price adjustments for that particular product as well as the price adjustments for other product groups that are above the particular product in the product groups hierarchy. The invention sorts the various pricing adjustments applicable to a particular product offered to a particular purchasing organization based on several criteria. After the sorting is accomplished the pricing adjustments are applied in sequence to arrive at a final price at which a particular product can be sold to a particular purchasing organization.

Carter, col. 3, lines 46-62. Thus, *Carter* teaches determining a price by identifying price adjustments based on a purchasing organization, an organizational groups hierarchy, a product, and a product groups hierarchy, sorting the price adjustments, and applying the price adjustments.

In contradistinction, the present invention associates one or more calculation rules with a calculation code and associating the calculation code with an item. When the calculation code is applied to the item, the calculation rules are used to determine an amount for a parameter for that item. Claim 2 recites:

2. A method for processing a parameter for an item in an electronic order processing system, said method comprising:
 - providing a plurality of calculation rules for calculating amounts for parameters of items;
 - associating one or more calculation rules from the plurality of calculation rules with a calculation code, wherein the one or more calculation rules are used to produce an amount for a parameter;
 - associating the calculation code with an item;
 - responsive to initiating application of the calculation code to the item, using the one or more calculation rules to produce an amount for the parameter for the item; and
 - providing the amount to an output device.

Carter fails to teach or suggest associating one or more calculation rules with an item through association with a calculation code, as recited in claim 2. More particularly,

Carter fails to teach or suggest "associating one or more calculation rules from the plurality of calculation rules with a calculation code, wherein the one or more calculation rules are used to produce an amount for a parameter," "associating the calculation code with an item," and "responsive to initiating application of the calculation code to the item, using the one or more calculation rules to produce an amount for the parameter for the item," as recited in claim 2.

Since the applied reference fails to teach or suggest each and every claim limitation, claim 2 is not anticipated by *Carter*. Independent claims 10, 26, 34, and 41 recite subject matter addressed above with respect to claim 2 and are allowable for at least the same reasons. Since claims 3-8, 11-16, 27-32, 35-40, 43, and 44 depend from claims 2, 10, 26, 34, and 41, the same distinctions between *Carter* and the invention recited in claims 2, 10, 26, 34, and 41 apply for these claims. Additionally, claims 3-8, 11-16, 27-32, 35-40, 43, and 44 recite other additional combinations of features not suggested by the reference.

Therefore, the rejection of claims 2-8, 10-16, 26-32, 34-41, 43, and 44 under 35 U.S.C. § 102 is overcome.

Furthermore, *Carter* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Carter* actually teaches away from the presently claimed invention because it teaches using an organizational groups hierarchy and a product groups hierarchy to identify price adjustments, as opposed to a calculation code as in the presently claimed invention. Absent the Office Action pointing out some teaching or incentive to implement *Carter* to associate calculation rules with items through association with a calculation code, one of ordinary skill in the art would not be led to modify *Carter* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Carter* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicant's disclosure as a template to make the necessary changes to reach the claimed invention.


II. Conclusion

It is respectfully urged that the subject application is patentable over *Carter* and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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